

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**In the Matter of the Criminal Complaint:**

**United States of America**

v.

**Aaron D. MITCHELL**

**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Michael A. Harey, a Special Agent with the Federal Bureau of Investigation, Columbus Resident Agency, being first duly sworn, hereby depose and state as follows:

1. I, SA Michael A. Harey (your affiant), make this affidavit in support of a criminal complaint to arrest for violations of 18 U.S.C. §§ 2261A (2) Cyberstalking and 2422(b) Coercion or Enticement of a Minor to Engage in Illegal Sexual Activity. Since this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, your affiant did not include each and every fact known concerning this investigation. Your affiant did not withhold any information or evidence that would negate probable cause. Your affiant set forth only the facts that are believed to be necessary to establish probable cause that Aaron D. MITCHELL committed the violations listed above.

2. I am a Special Agent with the FBI assigned to the Cincinnati Division and I have been a Special Agent since October 2008, having worked on counterterrorism investigations and public corruption investigations as a Special Agent. I am currently assigned to the FBI Child Exploitation Task Force, investigating matters involving the online exploitation of children and child pornography. I have made arrests and have executed search warrants pertaining to these types of investigations. Prior to becoming a Special Agent with the FBI, I served as a U.S. Border Patrol Agent for approximately five years and a Federal Air Marshall for approximately five years; having begun my federal law enforcement career in February 1998. While performing my duties as a Special Agent, I have participated in various investigations involving computer-related offenses and have executed numerous search warrants, including those involving searches and seizures of computers, digital media, software, and electronically stored information. I have received both formal and informal training in the detection and investigation of computer-related offenses. As part of my duties as a Special Agent, I investigate criminal child exploitation and child pornography violations, including the illegal production, distribution, transmission, receipt, and possession of child pornography, in violation of 18 U.S.C. §§ 2251, 2252, and 2252A.

3. On or about September 22, 2019, the Knox County Sheriff's Office received a complaint from VICTIM 1's mother and MITCHELL that VICTIM 1, an adult female born in January of 2001 who had special needs, left the residence and did not return home. Later that same day, the Knox County Sheriff's Office located VICTIM 1 at a male friend's house. Deputies determined VICTIM 1 was not in distress, nor was she being held against her will. VICTIM 1 told deputies that she did not have mental health issues, and wanted to remain with her friend, since she was 18 years old. MITCHELL arrived at the friend's house, and deputies, unaware at that time of any issues between VICTIM 1 and MITCHELL, recommended that VICTIM 1 go home with MITCHELL. While VICTIM 1 was gathering her things to go with MITCHELL, an argument ensued, and MITCHELL began to threaten VICTIM 1 and VICTIM 1's male friend, which caused deputies to warn MITCHELL of his behavior. At this time, VICTIM 1 told deputies that she had received "dick pics" from MITCHELL on her phone, and MITCHELL had requested "nudes" from her. VICTIM 1 further told deputies that MITCHELL had anally raped VICTIM 1 when she was ten years old, and had also raped VICTIM 2"), a minor female born in December of 2002, at the same time.

4. Eventually, deputies explained to VICTIM 1 that she did not have to leave with MITCHELL, and they obtained a written statement from her specific to the aforementioned allegations that MITCHELL was pressuring VICTIM 1 for sexual favors, sent VICTIM 1 "dick pics," and raped VICTIM 1 and VICTIM 2 when VICTIM 1 was 10 years old. After VICTIM 1 was told she could remain with her male friend, MITCHELL began to threaten VICTIM 1 and her male friend to the extent that deputies had to provide MITCHELL with an additional warning. Specifically, VICTIM 1's male friend told deputies MITCHELL had threatened him over Facebook saying that once officers left the scene, the male friend was going to die. Deputies again warned MITCHELL to refrain from making threats and told MITCHELL to leave the area. After MITCHELL left, deputies further questioned VICTIM 1 about the sexual abuse she had alleged by MITCHELL. VICTIM 1 specified that MITCHELL had anally raped her on one occasion when she was a minor, and that he had touched her breasts and inner thighs several times when she was younger. In her written statement, VICTIM 1 further stated that she did not feel safe around MITCHELL, and that she had informed her mother about the abuse, but her mother did not believe her. VICTIM 1 provided her cellular phone to deputies upon their request.

5. On or about October 7, 2019, VICTIM 1 was interviewed at the Children's Advocacy Center (CAC) in Portage County, due to the allegations she made regarding MITCHELL's sexual abuse of her. During the interview, VICTIM 1 initially only disclosed recent activity between her and MITCHELL, stating that MITCHELL was blackmailing her. When asked to elaborate, she indicated that if she did not send him nude photos of herself, he would not take her anywhere or buy her anything. She also reiterated that MITCHELL had sent her "dick pics" and had been begging her to "suck it." VICTIM 1 stated that she had obtained a

phone in January for her 18th birthday, and that MITCHELL had been sending her sexual messages since approximately March of 2019. One of the messages he sent her included a link to the website pornhub. According to VICTIM 1, MITCHELL would also send VICTIM 1 messages saying he was going to come into her room in the middle of the night while VICTIM 1's mother was sleeping, or he would ask VICTIM 1 to come into his room while her mother was gone. VICTIM 1 recalled a recent incident when MITCHELL "barged" into her room, causing her to run out of the room out of fear.

6. On February 25, 2020, a forensic image was created of VICTIM 1's phone. A subsequent review of the forensic image revealed text messages between VICTIM 1's phone number and cellular telephone number 440-799-5138. Based on records provided by AT&T, MITCHELL is the user of this particular cellular telephone number, having been active from November 15, 2016 to approximately March 3, 2020, with a user address of 14565 Divelbiss Road Mount Vernon, Ohio 43050. Agents immediately identified text communications between MITCHELL and VICTIM 1, wherein MITCHELL was pressuring VICTIM 1 to provide sexual favors, was withholding VICTIM 1's birth certificate and identification documents until sexual favors were provided, was requesting nude images of VICTIM 1, was discussing his intent to rape VICTIM 1 and was admonishing VICTIM 1 for turning off a location tracking application subsequent to his request for sexual favors. Because of the emotional distress inflicted on VICTIM 1 by MITCHELL, VICTIM 1 turned off the location tracking application on her phone and ran away from home.

7. VICTIM 1's phone revealed extensive communications from MITCHELL, the majority of which were threatening, vulgar and sexual in nature. The time span of the communications observed by agents occurred from on or about September 15, 2019, through on or about September 23, 2019, which is the date when VICTIM 1 turned her phone over to Knox County Sheriff's Deputies. Over the course of the seven day period leading up to VICTIM 1 running away from home, there were approximately 1000 text messages between MITCHELL and VICTIM 1 with the majority of the text messages coming from MITCHELL. Below are excerpts of some of the communications observed by your affiant:

8. In the following communication on or around September 15, 2019, your affiant believes MITCHELL sent VICTIM 1 a picture of his penis, based on his below request for VICTIM 1 to "play" with his penis and his question to VICTIM 1 about receiving a "pic":

- a. MITCHELL: "You gotta stop telling me your gonna play with my penis if your not ever going to I'm trying really hard not to force myself on your sexy ass."
- b. MITCHELL: "So what's up"
- c. MITCHELL: "You didn't say anything about that pic."
- d. VICTIM 1: "I didn't get anything"

9. In another explicit communication on September 15, 2019, MITCHELL wrote, “So you should hook me up with a pic that body is smoking hot.” MITCHELL then said, “Well if you don’t want to play with me I guess I’ll just go to bed.” On September 17, 2019, VICTIM 1 wrote, “We can leave around 4 tomorrow I swear I’ll suck ur dick I ain’t lying I just want you to stop asking me so Saturday.” In response, MITCHELL wrote, “So you want me to stop asking till Saturday.” VICTIM 1 responded, “Yes.” MITCHELL responded, “So your saying you will do it on Saturday.” Later in the conversation, MITCHELL wrote, “Ok well remember don’t be saying you will if you don’t plan to I’m really looking forward to this and I don’t wanna have to make you do it.” VICTIM 1 responded, “Ok.”

10. Later on September 17, 2019, MITCHELL continued to pressure VICTIM 1 saying, “So I’m really having a hard time believing you I’m pretty sure your going to tell me no or make some excuse Saturday.” VICTIM 1 responded saying, “I’m not gonna say no.” This led to a torrent of text messages from MITCHELL, pressuring VICTIM 1 for sex. The following are just a few of the text messages from MITCHELL during this particular conversation:

- a. “Y can’t we right now.”
- b. “I want to rape you in your sleep”
- c. “But you let me”
- d. “Well send me a promise vid of you playing with your pussy or give me a hand job.
- e. “Something you got me all creaming my pants.”
- f. “?”

11. Throughout the evening of September 17, 2019, MITCHELL began to coerce VICTIM 1 to engage in sexual activity with him saying, “Well don’t count on me taking you anywhere tomorrow and stop telling me your going to do that if you have no plans on coming through with it.” VICTIM 1 replied, “Im going to suck your dick Saturday. Also I’m trying to sleep.” MITCHELL replied, “Ok but y Saturday and not like in the morning.” VICTIM 1 replied, “Bc I don’t have school on that day.” MITCHELL then wrote, “I’m like super horny I won’t be long.” VICTIM 1 responded, “Let me sleep. Please.” MITCHELL then wrote, “So you can always brush your teeth after.” After other messages were exchanged, MITCHELL eventually wrote, “Send me some pics I can rub off too so I’m not in the bathroom forever.” VICTIM 1 replied, “I said let me sleep if you keep talking about this I’m not sucking your dick.” When VICTIM 1 again insisted that MITCHELL wait until Saturday, MITCHELL wrote, “I need something other than your word if you want a ride tomorrow.”

12. Over the course of the next several days, MITCHELL continued to send text messages pressuring VICTIM 1 for sex. On September 19, 2019, VICTIM 1 indicated she wanted her identification and birth certificate from MITCHELL so she could get a job. MITCHELL seized on this opportunity, using VICTIM 1’s identification and birth certificate as leverage in exchange for sex. VICTIM 1 wrote, “I’m really upset that I don’t have my id.” MITCHELL replied, “Show me how bad you want it.” VICTIM 1 asked, “Can I just send you

nudes?" MITCHELL wrote, "How about a handjob." VICTIM 1 stated, "I don't know what that is." MITCHELL clarified, "You rub on it." VICTIM 1 asked, "On what?" MITCHELL responded, "My dick. You play with it." VICTIM 1 responded, "All I want is you to pick me up at the school at 2:30 I can get my ID faster." MITCHELL responded, "Or a bent over pic of your butt." MITCHELL continued to pressure VICTIM 1 for sex acts and nude pictures. Eventually, VICTIM 1 relented and sent MITCHELL a picture of her vagina. MITCHELL wrote, "Oh god I want to eat it." He then asked, "Can I lick it." Still trying to get her identification, VICTIM 1 wrote, "Can you answer my question now." When MITCHELL continued to pressure VICTIM 1 for sex, VICTIM 1 wrote, "I JUST WANT MY ID GOD DAMMIT." The full content of this portion of the conversations indicates that MITCHELL was withholding access to transportation to VICTIM 1's school and work and to VICTIM 1's identification documents in exchange for sexual activity that VICTIM 1 was attempting to resist.

13. In a September 21, 2019, text message sent from MITCHELL to VICTIM 1, MITCHELL wrote, "Would be mad at me If played with you while you sleep like my old friend used to?" Your affiant believes this text message is a reference to prior unwanted sexual assaults committed by MITCHELL on VICTIM 1 when she was a child, suggesting that MITCHELL did, in fact, sexually abuse VICTIM 1 as a small child, as VICTIM 1 alleged.

14. Leading up to VICTIM 1 running away from home on September 22, 2019, MITCHELL began to admonish VICTIM 1 for turning off her "360<sup>1</sup>" application after MITCHELL dropped VICTIM 1 off at a water park. In messages earlier in that week, VICTIM 1 had indicated that she wanted MITCHELL to drop her off at the water park so she could walk to a friend's house to hang out. MITCHELL accused VICTIM 1 of planning to have a boyfriend pick her up from the friend's house, and threatened not to take VICTIM 1 to the water park unless she engaged in sexual activity with him. On the morning of September 21, 2019, MITCHELL sent VICTIM 1 numerous messages about sexual activity, including the following:

- a. "Man I thought you were going to be so happy I found it [VICTIM 1's birth certificate] you was going to suck on it
- b. So what up beautiful we gonna play
- c. You going let me see you in them new pantys
- d. Ignoring me again i see I'm not that special
- e. Sorry I just can't wait to get that pussy on my lips

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<sup>1</sup> According to Life 360: The Life360 app uses state-of-the-art GPS location technology to report the real-time whereabouts of those that have accepted your invitation to join your circle and share their location. Simply install the Life360 Family Locator app on your phone, and invite your family. Once registered, each member appears as a unique icon on the navigational map so you'll know exactly where they are. No need to send annoying "Where are your?" or "What's your ETA?" texts, the Life360 Family Locator puts this information at your fingertips. And to make life super easy, we send you alerts the moment your family arrives at an appointed location!

f. I bet that ass will be smoking

15. Further text messages that day indicate that MITCHELL took VICTIM 1 to the water park that afternoon, and that she thereafter turned off her 360 application so that MITCHELL could not determine her location. Based on the nature of the text messages before and after VICTIM 1 turned off her 360 application, your affiant believes VICTIM 1 reached a level of such emotional distress due to the sexual text messages that MITCHELL had continuously sent her, she turned off the 360 application on her phone and ran away. After this occurred, MITCHELL sent VICTIM 1 hundreds of text messages either trying to get VICTIM 1 to respond, or demanding that she turn on her 360 application or tell him where she was located. At one point, while MITCHELL was telling VICTIM 1 to turn on the 360 application, she wrote, "Stop texting me!!!" and "I'm about to not let you fuck me." Later VICTIM 1 wrote, "I'm about to kill my self I'm getting ducking pisser." Your affiant believes MITCHELL had been using the 360 application to keep track of VICTIM 1, in order to regularly harass her and find opportunities to engage in sex with VICTIM 1 prior to her disappearance. The written statement that VICTIM 1 provided to Knox County Deputies further evidences the mental distress that this harassment caused her, as she wrote "I can't stop thinking about all the shit he has been doing to me. [MITCHELL] has been sending me dick picks, he has been asking me to fuck him and been asking me to send him a pussy pic. I don't feel safe around him; alone with him."

16. On March 16, 2020, Agents executed a Search Warrant on MITCHELL's residence, located at 14565 Divelbiss Road Mount Vernon, Ohio 43050. While the Search Warrant was on-going, Agents conducted a non-custodial interview of MITCHELL, during which time MITCHELL waived his rights and agreed to be interviewed. MITCHELL admitted he sent text messages to VICTIM 1, claiming that since she turned 18, VICTIM 1 had been talking to a bunch of guys, and if she was going to have sex, it should be with him. MITCHELL admitted he was withholding VICTIM 1's birth certificate, and, when he was shown the text message exchange regarding VICTIM 1's birth certificate that is detailed above, MITCHELL admitted he did engage in that conversation via text message.

17. MITCHELL additionally admitted that he had sent a text message to VICTIM 2, 17- year-old indicating he wanted to "eat her pussy." MITCHELL said VICTIM 2 was depressed and was cutting and he just wanted her to know he thought she was "Amazing."

18. While conducting the search warrant on 14565 Divelbiss Road, Agents identified VICTIM 2's cellular telephone. In an effort to corroborate MITCHELL's admission that he sent VICTIM 2 the text message described above, in which he indicated he wanted to provide VICTIM 2 oral sex, agents identified a communication from MITCHELL to VICTIM 2

occurring on or about March 2, 2020. The following is a screen capture your affiant took of the text message conversation on VICTIM 2's cellular phone between MITCHELL and VICTIM 2, in which MITCHELL sent VICTIM 2 a text message at 11:31pm regarding oral sex:



19. Within the afore-referenced text message, your affiant believes the comment "I know you got mad the last time I tried" indicates that MITCHELL attempted to coerce and/or entice VICTIM 2 into engaging in sexual activity with him on at least one occasion prior to this March 2, 2020 occasion, and that the previous attempt was unwanted by VICTIM 2.

20. VICTIM 2 was interviewed by law enforcement at the time the search warrant was executed. She denied that MITCHELL had engaged in sexual activity with her. VICTIM 2 stated that she was "in love" with MITCHELL, but then corrected herself to say that she loved him

21. The sexual activity that MITCHELL sought to engage in with VICTIM 2 would constitute a violation of Ohio Revised Code section 2907.03 – sexual battery – which prohibits

any person from engaging in sexual conduct with another person, if the offender is the natural, adoptive, or step-parent of the other person.

22. Based upon the foregoing, your affiant submits that there is probable cause to believe that Aaron D. MITCHELL has committed the violations of 18 U.S.C. §§ 2261A (2) Cyberstalking and 18 U.S.C. §§ 2422(b) Coercion or Enticement of a Minor to Engage in Illegal Sexual Activity. Therefore, your affiant respectfully requests this court issue a criminal complaint and arrest warrant.

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Michael A. Harey  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before me this \_\_\_\_\_ day of March 2020.

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Chelsey M. Vascura  
United States Magistrate Judge  
United States District Court  
Southern District of Ohio